

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAMES E. BACHMAN, ADELLA A.
BACHMAN, ERIC J. BACHMAN, RACHEL
A. BACHMAN, MATTHEW R. BACHMAN,
and C. ANDREW BACHMAN,

Plaintiffs,

vs.

JOHN Q. BACHMAN, and LEAF
SUPREME PRODUCTS, LLC, A
Nebraska Limited Liability Co.;

Defendants.

8:19CV276

ORDER

This matter is before the court on Plaintiffs' motion for extension of time to file a response to Defendants' counterclaim, ([Filing No. 133](#)), and Defendants' motion to compel, ([Filing No. 134](#)). Plaintiffs' motion will be granted, and Defendants' motion will be denied (without prejudice to reassert).

ANALYSIS

On November 18, 2020, the court ruled on a previous discovery dispute between the parties, litigated on cross motions to compel, ([Filing No. 115](#)), and for protective order, ([Filing No. 108](#)). Each motion was granted in part and denied in part. ([Filing No. 122](#)). The November 18, 2020 order also granted Defendants' motion to amend their answer to assert additional affirmative defenses and counterclaims. ([Id.](#)). Plaintiffs objected to November 18, 2020 order, and that objection is currently pending before United States District Judge Brian C. Buescher. ([Filing No. 123](#)).

In the interest of judicial efficiency, the court will stay Plaintiffs' response to Defendants' counterclaim until after Judge Buescher has ruled on Plaintiffs' objection to my order allowing Defendants leave to amend their answer.

In addition, in the court's previous order, the undersigned instructed the parties to attempt informal resolution of all prospective discovery issues and, barring informal resolution, to contact my chambers to set a discovery conference in accordance with the local rules. I specifically informed the parties that "[n]o additional discovery motion shall be filed absent consent of the court." ([Filing No. 122 at CM/ECF p. 16](#)). Defendants did not contact my chambers prior to filing their additional discovery motion. The court will deny the motion, without prejudice to reassert after the parties have contacted my chambers and have set and participated in a discovery dispute conference.

Accordingly, IT IS ORDERED:

- 1) Plaintiffs' motion for extension ([Filing No. 133](#)) is granted. The deadline to plead or otherwise respond to Defendants' counterclaim is continued pending further order of the court.
- 2) Defendants' motion to compel ([Filing No. 134](#)) is denied. Defendants shall contact my chambers to set a discovery dispute conference prior to litigation of any additional discovery dispute.

Dated this 8th day of December, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge